MINUTES OF THE BOARD OF POLICE COMMISSIONERS MEETING TUESDAY, JANUARY 15, 2013

A meeting of the Board of Police Commissioners of Kansas City, Missouri was held on Tuesday, January 15, 2013, at Police Headquarters, 1125 Locust, 6th Floor, Kansas City, Missouri.

PRESENT:

Commissioner Lisa T. Pelofsky, President Commissioner Alvin L. Brooks, Vice President Commissioner Angela Wasson-Hunt, Treasurer Commissioner Patrick A. McInerney, Member Mayor Sylvester "Sly" James, Jr., Member Darryl Forté, Chief of Police (left at 10:30 a.m.) Mr. David V. Kenner, Secretary/Attorney

This meeting was called to order at 9:10 a.m. by Commissioner Pelofsky. The invocation was provided by Dr. Serita Wright.

1. <u>Councilman John Sharp, Public Safety and Emergency Services</u>

<u>Committee.</u> Councilman Sharp said the City will conduct three budget hearings in the community this year and some of the hearings will be held at the new SPD/SOD. He expressed his appreciation for the new South Patrol station.

He discussed legislation to pass stronger state laws regulating the purchase of copper and other precious metals.

He said the City is developing an ordinance that will increase the maximum Municipal Court fine to \$1000. He also said the City will introduce an ordinance that addresses the underage sale of tobacco products. Commissioner Pelofsky said the Board supports these efforts.

2. Mr. Gary White.

Mr. White briefly discussed the monthly status report dated January 3, 2013. He said the police video records audit was presented to the Audit Committee this morning and will be presented to the Public Safety and Emergency Services Committee tomorrow morning. Commissioner McInerney said the audit was very thorough and well done.

3. Crime Stoppers update. Former Chief Rick Easley presented the Crime Stoppers monthly update for December 2012. He said 2012 was a milestone year for the TIPS Hotline because the 600th tip came in that lead to a homicide arrest. Last year 3,932 calls came in compared to 4,612 during 2011. He said 2011 had an abnormally high number of calls due to the Lisa Irwin missing child case. The yearly average is 4,127 tips. The hotline helped clear six homicides, 30 robberies, 15 aggravated assaults, seven burglaries and there were 55 arrests for narcotics violations.

Former Chief Easley said that the police department helped the Metropolitan Community Service Program (MCSP) supervise over 500 cleanups in the community and picked up 9,200 bags of trash from the neighborhoods.

The Second Chance Program provided re-entry information and services to 1000 clients.

4. Approval of the minutes.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Brooks approving the minutes of the November 20, 2012 meeting. The vote was 5-0 in favor.

Commissioner Wasson-Hunt said a correction was necessary on page 4 of the December 14, 2012 minutes. A motion was made by Commissioner Wasson-Hunt with a second by Commissioner McInerney approving the minutes of the December 14, 2012 meeting as amended. The vote was 5-0 in favor.

Commissioner Wasson-Hunt said a correction was necessary on page 4 of the December 18, 2012 minutes. A motion was made by Commissioner Brooks with a second by Commissioner Wasson-Hunt approving the minutes of the December 18, 2012 minutes as amended. The vote was 5-0 in favor.

5. City Architects Report.

Mr. Eric Bosch provided an update on current construction projects. He said work is being done to get the new climate control systems set properly at the new SPD/SOD so it is the correct temperature daily. Landscaping will occur in the spring.

With regard to the new EPD and crime lab, demolition began last week and the current contractor is scheduled to remove seven homes. Two additional contractors are removing more homes. Asbestos is removed from the homes prior to demolition.

Headquarters renovation is on schedule and the new community and board room walls are going up.

Chief Darryl Forté. Chief Forté said he and the Mayor attended a gun summit in Minneapolis last week and topics included the ban on assault weapons, ammunition, and increasing background checks. He said there was a

lot of useful dialog and he is glad he attended. He said he plans to meet with ATF and FBI to discuss how to address gun violence issues in Kansas City.

Chief Forté said his plan for the next community forum is to allow the public have the opportunity to make suggestions to the strategic plan to reduce violent crime. He mentioned community involvement at the gun summit and many attendees agreed with him saying public engagement is crucial.

Commissioner Brooks said violence has become a public health issue.

Mayor James discussed the fact that mental health budgets have been cut in most states for many years and does not believe that legislators have a desire to increase these budgets. He said while at the gun summit he learned that many other police departments also employ the concept of hot spot policing. He said he also learned that other states have more freedom to regulate guns because their laws are not as strict as Missouri law and noted that in Minneapolis they track every gun associated with crime back to the original seller.

Mayor James said "slow motion mass murder" is occurring in Kansas City that is affecting black males aged 19-27. He said if Overland Park had the same murder rate it would not be tolerated by the community.

7. <u>Investigations Bureau</u>. Major Randy Hopkins reported that year-to date there have been four homicides with one for the same time period in 2012.

Major Hopkins said there are 3,108 cases that have been presented to the prosecutor and charges were filed in 2,431 of these.

With regard to drive-by shootings, there has been 219 year-to-date for 2012, as compared to 206 last year 2011.

Deputy Chief Hundley submitted the Narcotics and Vice Summary for December 2012. This report is Attachment "A" and is made a part of these minutes.

Commissioner Pelofsky asked that Director Linda Netzel discuss the crime lab's ability to track weapons back to the original owner. Director Netzel said the lab provides gun serial numbers to the Gun Squad and they trace the guns. Detective Loretta Morton who recently retired from the police department, is volunteering at the crime lab and will be assigned to examine hits on weapons that come from the National Integrated Ballistic Information Network (NIBIN).

Director Netzel said scientists in the United Kingdom are attempting to develop a substance to coat ammunition so that the DNA of the person handling the ammunition will be more readily retained, as well as their fingerprints. Director Netzel said there have been numerous studies on micro-stamping ammunition.

Additionally, Director Netzel said that forensic engineers in the U.K. have developed a "slasher hoodie" because of the prevalence of knife violence there. It is basically like a Kevlar® vest, but made of a different material that helps to prevent penetration by a knife.

Commissioner Pelofsky asked if the department can recruit others to volunteer. Director Netzel said she utilizes two types of auxiliary volunteers; interns who eventually want a paid position at the crime lab and she currently has two people who responded to the article about the backlog at the lab.

Commissioner Pelofsky said she would like to know where other volunteers are utilized throughout the police department.

Mayor James suggested that the crime lab find programs to get children interested in the lab and education. Director Netzel said the new crime lab definitely plans to offer these types of programs for the community and she wants to propose the Prospect Science Academy as part of the new East Patrol Campus. Mayor James said the only way children will get out of poverty is through education. He said there are a lot of resources available and perhaps the City can work together with the lab to develop this program.

8. <u>Executive Officer</u>.

- a. <u>Monthly report, OCC investigations</u>. Major Bob Kuehl submitted the monthly OCC investigations report dated January 4, 2012. There were 21 OCC's under investigation at the end of December none of which were granted extensions beyond 60 days. IAU has received a total of 170 OCC's this year compared to during the same period last year. There were 169 investigations that were completed and forwarded to OCC compared to 205 for the same period last year.
- b. <u>Private Officers License Appeal, Delbert W. Campbell.</u> Major Bob Kuehl presented the Private Officers license appeal of Mr. Campbell. The basis for the suspension of Mr. Campbell's private security license is his arrest and charge of assault on a police officer, careless driving, disorderly conduct and failure to comply by members of Airport Police Department. On November 15, 2012, he was found guilty of a Class A Felony of assault on a police officer. A

suspension on this basis is consistent with the provisions of Title 17 of the Code of State Regulations, Section 10-2.060 (8) (A).

A motion was made by Commissioner McInerney with a second by Commissioner Wasson-Hunt to uphold the suspension of the private security license of Delbert Campbell. The vote to approve was 5-0 in favor.

9. Administration Bureau.

- a. <u>Personnel summary</u>. Director Nick Nichols submitted the personnel summary dated December 31, 2012. Current department strength is 1,363 law enforcement personnel compared to 1,386 for this same time period in 2011. There are 570 budgeted civilian positions compared to 571 for the same time period 2011.
- a. Health and dental insurance renewal, Employee Assistance Program (EAP) renewal, group life insurance and group long term disability insurance renewal. Director Nichols presented a memorandum dated January 4, 2013, which recommends renewal of health, dental and EAP plans. Mr. Bob Charlesworth discussed these plans. He said the Heath Care Reform Act will have an impact on the rates with an increase of 8.17 percent. It is recommended that the Board accept the renewal of the department's health insurance plans from BlueKC, incorporating the EAP and the dental insurance in the renewal. The annual cost for health insurance is \$20,677,346. The annual cost for the EAP is \$38,265 and the \$6 per month benefit subsidy is \$121,000. Mr. Charlesworth also presented a memorandum dated January 7, 2013 which recommended acceptance of the group life insurance renewal and group long

term disability insurance renewal. It is recommended that the Board accept the bid from Standard Insurance Company for the life/AD&D/optional life/dependent life/retiree/dependent life and long term disability for the period of May 1, 2013 and ending April 30, 2014, and further accept the three year rate guarantee offered by Standard for all plans at an annual cost of \$214,331 for the life/AD&D and \$41,296 for the long term disability.

All plans will be effective May 1, 2013. Mr. Charlesworth confirmed that the plans have a 31 day early termination notice period.

A motion was made by Commissioner McInerney with a second by Commissioner Brooks approving the renewal of all plans presented. The vote was 5-0 in favor.

10. Professional Development and Research Bureau.

Deputy Chief Cheryl Rose briefly discussed the current academy class that has 23 recruits. This class will graduate April 11, 2013. The 148th Entrant Officer Class with 27 Kansas City recruits begins on January 22, 2013, with a lateral class of 10 beginning January 28, 2013.

Commissioner McInerney said he would like an update on video retention project.

- **11. Executive Services Bureau.** Major Bryon Price presented the following items for Board approval:
- a. <u>Financial audit proposal No. 2013-1</u>. A memorandum dated January 3, 2013 was submitted that recommended acceptance of the bid from Allen, Gibbs, & Houlik, L.C. for professional audit services.

Commissioner McInerney said he believes the Audit Committee and Mr. Tom Gee should be involved in RFP's for audit services. Chief Forté said it makes sense and he will involve the Audit Committee and Mr. Gee in future RFP processes for audit services.

Commissioner McInerney said he had an issue with the recommended audit firm and he said there are many outstanding audit firms in Kansas City and he did not feel it was necessary to choose an auditor from Wichita, Kansas, noting that there were occasions when the Board had to meet with the auditors on very short notice as issues arose. Commissioner McInerney inquired as to whether there were any concerns with the current audit firm of Cochran, Head, Vick & Co., P.C. Ms. Margaret Harmon from the Accounting Unit, responded that there were none.

Ms. Harmon said the Board must make a decision at today's meeting per RSMo. In light of the short time frame to make a decision, the Board recommended renewing with Cochran, Head, Vick & Co., P.C.

A motion was made by Commissioner Wasson-Hunt with a second by Commissioner Brooks, approving the bid from Cochran, Head, Vick, & Co., P.C. for professional audit services, for one year, in the amount of \$87,400. The vote was 5-0 in favor.

The Board took a recess at 10:34 a.m. and resumed at 10:45 a.m.

b. <u>Budget transfers for fiscal year 2012-13</u>. A memorandum dated January 4, 2013, was submitted which outlines the details of these budget

transfers. A copy of this memorandum is Attachment "B" and made a part of these minutes. Mr. Paul Kies provided an explanation of these budget transfers.

A motion was made by Commissioner McInerney, with a second by Commissioner Wasson-Hunt approving the budget transfers as presented. The vote was 5-0 in favor.

- c. <u>Budget Summary Report for the month of December</u>. A memorandum dated January 4, 2013, was submitted for informational purposes only. A copy of this memorandum is Attachment "C" and made a part of these minutes.
- **12.** Patrol Bureau. Major Robin Houston presented a memorandum dated December 21, 2012, recommending approval of the Downtown Parking and Traffic Control MOU. The current MOU expired December 31, 2012, and only minor revisions were made.

A motion was made by Commissioner Brooks with a second by Mayor James approving the Downtown Parking and Traffic Control MOU. The vote was 5-0 in favor.

Major Houston advised that the crime summary was not included in the Board book for this meeting because of NIBRS changes that require changes to the Tiburon system.

In regard to the Traffic Summary, there were seven fatalities during December 2012, and two were pedestrians. Total fatalities for 2012 are 72, compared to 66 in 2011. A copy of the Traffic Summary is marked as Attachment "C" and attached to these minutes.

Commissioner Brooks suggested that the police department put out some public service announcements related to pedestrians walking or standing near traffic ways. Major Houston said discussions have been had regarding this.

13. Ms. I. Pearl Fain.

Ms. Fain presented the monthly statistical report for December 2012. This report is maintained in the Office of Community Complaints. OCC received a total of 27 complaints for the month of December 2012, and 12 of these complaints were submitted to the Internal Affairs Unit for Investigation.

Commissioner Wasson-Hunt asked for the definition of the category listed as "not yet determined." Ms. Fain said these are complaints that OCC has not had the opportunity to review by the time the report was prepared.

Commissioner Brooks asked what happens when a complaint is substantiated. Ms. Fain said she believes that this information is forwarded to the training unit for officer education. Major Houston agrees that the police department should do a better job of communicating this and other types of information that might serve as a reminder to officers in the field. Commissioner Brooks suggested that it would be a good idea to send a synopsis of sustained complaints (without names) so that officers can learn from others' mistakes. Major Houston agrees and will discuss this with Deputy Chief Gallagher.

Ms. Fain reminded the Board that she will report to the Board in person on a quarterly basis, however, her report will still be submitted for informational purposes on a monthly basis.

- **14. Office of General Counsel.** Ms. Virginia Murray advised that the Office of General Counsel receives and reviews the OCC complaints and when planning the topics for in-service training and legal updates for the next year, these complaints are taken into consideration.
- 15. <u>Audit Committee update</u>. Commissioner Wasson-Hunt said an Audit Committee meeting was held on this date and Mr. Gary White presented the police video records audit. Commissioner McInerney requested a status report in March regarding the video records. Mr. Gee presented the audits of MPD, SPD, and workers' compensation. She said the workers' compensation report was similar to the previous workers' compensation audit with the exception of the fact that the costs have risen over \$500,000.

The Internal Audit Unit is currently working on the CPD audit which is the last of the patrol division audits. Commissioner Wasson-Hunt has asked for a summary of all six audits for distribution to the Board.

16. Mr. David Kenner.

Mr. Kenner advised that the Missouri Department of Public Safety has asked the Board to reiterate Board Resolution No. 12-01, Sunset Removal for §§ 610.021 (18) and (19), showing their support for repeal of the exemption and also to ask the police department lobbyist to work toward getting those exemptions passed again.

A motion was made by Commissioner McInerney with a second by Commissioner Brooks to reiterate prior support for Board Resolution No. 12-01,

Sunset Removal for §§ 610.021 (18) and (19), which was adopted on January 24, 2012.

17. <u>Commissioner Alvin Brooks</u>. Commissioner Brooks discussed gun control and asked that the Board take a position in support of gun laws and supporting a ban on assault weapons.

Commissioner Brooks congratulated Chief Forté for being the recipient of the Community Service Award from the Southern Christian Leadership Conference.

18. <u>Scheduled meetings</u>.

Regular Board Meetings:

Tuesday, January 15, 2013 9:00 a.m., 6th floor, Board room

Tuesday, February 12, 2013 9:00 a.m., 6th floor, Board room

Thursday, March 28, 2013 9:00 a.m., 6th floor, Board room

Business Session:

Tuesday, March 12, 2013 10:00 a.m., 6th floor, Board room

Audit Committee Meeting:

Tuesday, January 15, 2013 8:00 a.m., 6th floor, Board room

Board Hearing:

In the matter of the disciplinary proceedings of: Police Officer Gregory D. Chandler Tuesday, February 19, 2013 8:00 a.m., 6th floor, Board room

A motion was made by Commissioner McInerney, seconded by Mayor James and by vote indicated below, to adjourn its open meeting at 11:05 a.m. and reconvene in closed session at 10:30 a.m. as provided in the following resolution. The vote was 5-0 in favor.

RESOLUTION

WHEREAS, notice of the board meeting of the Board of Police Commissioners was given on November 20, 2012, and

WHEREAS, said notice indicated that the Board of Police Commissioners might go into closed session during said meeting, and

WHEREAS, notice of the closed meeting follows the guidelines of Section 610.020 of the Revised Statutes of Missouri.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Police Commissioners go into closed session during the meeting being held on Tuesday, January 15, 2013, at 1125 Locust, 6th floor board room, Kansas City, Missouri, for the purpose of discussing employment matters, litigation matters, and labor negotiations.

The following Commissioners were present and voted to go into closed session as follows:

Commissioner Lisa T. Pelofsky - Aye
Commissioner Alvin Brooks - Aye
Commissioner Angela Wasson-Hunt - Aye
Commissioner Patrick A. McInerney - Aye
Mayor Sylvester "Sly" James, Jr. - Aye

There being a quorum present and the question of holding a closed session having received an affirmative public vote of at least three (3) members, a closed meeting was held as set forth above.

1) Following a motion by Commissioner McInerney and a second by Mayor James, the Board voted to go into closed session to discuss employment matters, litigation matters, and labor negotiations. The vote was 5-0 in favor.

Following polling, Commissioner Pelofsky voted Aye, Mayor James voted aye, Commissioner Brooks voted Aye, Commissioner McInerney voted Aye, and Commissioner Wasson-Hunt voted Aye.

- 2) Following a motion by Commissioner Wasson-Hunt and a second by Commissioner Brooks, the Board voted to approve the minutes of the November 20, 2012, closed session of the Board. The vote was 5-0 in favor.
- 3) Following a motion by Commissioner McInerney and a second by Commissioner Brooks, the Board voted to approve the minutes of the December 14, 2012, closed session of the Board. The vote was 5-0 in favor.
- 4) Following a motion by Commissioner Wasson-Hunt and a second by Commissioner McInerney, the Board voted to approve the minutes of the December 18, 2012, closed session of the Board. The vote was 5-0 in favor.
- 5) Following a motion by Mayor James and a second by Commissioner McInerney, the Board voted to approve the application for continued employment by Reserve Sergeant Dwaine Folsom. The vote was 5-0 in favor.
- 6) Following a motion by Commissioner Wasson-Hunt and a second by Commissioner McInerney, the Board voted to approve the Settlement Agreement and Release relating to the lawsuit filed in the Circuit Court of Jackson County, Missouri, entitled *The Kansas City, Missouri Fraternal Order of Police Lodge #99, et al. v. The Kansas City Board of Police Commissioners, et al.*, Case No. 1216-CV12333, subject to court approval and to approval and execution by all other parties to the Agreement. The vote was 5-0 in favor.

7) Following a motion by Commissioner Brooks and a second by Commissioner McInerney, the Board voted to go out of closed session and adjourn. The vote was 5-0 in favor. Following polling, Commissioner Pelofsky voted Aye, Mayor James voted aye, Commissioner Brooks voted Aye, Commissioner McInerney voted Aye, and Commissioner Wasson-Hunt voted Aye.

	President
Secretary/Attorney	